

pany in damages in accordance with notices put up in conspicuous places on said bridge.

SEC. 15. Take effect—proviso. This act shall take effect from and after its publication in the Louisa county times; provided said company pays for the publication.

Approved, February 5th, 1851.

[164] CHAPTER 66.

RIGHT OF WAY.

AN ACT to grant to the Junction Rail Road Company the right of way.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Right of way. That there is hereby granted to the Junction Rail Road Company, and to their assigns, the right of way, one hundred feet wide, for their rail road from Dubuque, to intersect the Camanche and Council Bluffs rail road, at or near Cedar river, in Cedar county.

SEC. 2. May be obtained in writing—if owner refuse, judge to appoint three freeholders—damages—company pay to clerk—appeal. That in obtaining the right of way for their said rail road over and across the lands of individual proprietors, the said company and their representatives, may provide in the manner following, that is to say, the grant of such right of way from individual owners, resident of the county in which such land is situated, or who has agents or guardians resident as aforesaid, may be obtained in writing over their hands and seal of such proprietors, or of his agent or guardian resident as aforesaid, and neither acknowledging or recording shall be necessary to the validity of such grant; and if the owner of any land on which said road may be located, shall refuse to grant the right of way for said road through his premises, the judge of the district court of said county in which said premises may be situated, shall, on application of either party, appoint three disinterested freeholders of the county, whose duty it shall be to inspect said premises, and assess the damages, if any, which said owner will sustain by the construction of said road, and make report in writing to the clerk of said court, who shall file and preserve the same, and if said company or their representatives, shall at any time before the actual entering upon said lands for the purpose of constructing said road, pay to said clerk, for the use of said proprietor, the sum so assessed and returned to him as aforesaid, they shall thereby be fully justified in constructing and maintaining said road on and across said premises, doing no unnecessary injuries to said lands; pro- [165] vided, that either party dissatisfied with the decision of said freeholders, shall have the right to appeal to the district court wherein said lands are situated, at any time within thirty days after said decision; but such appeal shall not delay the prosecution of the work upon said road; provided, the company shall first have paid or tendered the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal, unless the appellant recover a greater amount of damages than first awarded; but the company shall in all cases pay costs of suit previous to the appeal.

SEC. 3. Non-residents—four weeks notice in newspaper—owner not applying proceedings same as sec. two. That if upon the location of said road it shall be found to run through the lands of any non-resident proprietor, the

said company or their representative, shall give four weeks notice to each proprietor if known, and if not known, by a description of such lands, by publication in some newspaper printed in Dubuque, that said road has been located through such lands, and if such proprietor shall not apply to such district judge within thirty days thereafter, to have the damages assessed in the mode prescribed in the preceding sections, said company or their representatives, shall proceed in the same manner to have the damages assessed as in section second, subject to the same right of appeal; and upon the payment of the damages so assessed, said company thereby shall acquire all rights, privileges and immunities, mentioned in said second section.

SEC. 4. Take effect. This act to be in force from and after its publication according to law.

Approved, February 5, 1851.

[166] CHAPTER 67.

FORT MADISON.

AN ACT to amend an act, entitled "an act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws, and parts of laws, heretofore enacted on the subject."

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Corporation authorized to take stock—may borrow money. That the corporate authorities of the said town of Fort Madison, be and they are hereby authorized to take stock, not exceeding ten thousand dollars, in the Fort Madison, West Point and Salem plank road, and that for such purpose the authorities aforesaid, are hereby empowered to make a loan not exceeding that amount: provided, the time for the payment of the principal of such loan shall exceed fifteen years.

SEC. 2. May issue bonds—payment of interest. For the purpose of borrowing money as prescribed in the foregoing section, the authorities aforesaid, may issue bonds to the amount aforesaid, bearing such interest as they may deem advisable, not to exceed ten per cent per annum, which interest shall be paid annually by the treasurer of said corporation, out of the dividends accruing to said corporation from the proceeds of said plank road, and the deficiency, if any existing, in the amount of the said proceeds for the payment of the interest aforesaid, shall be made up from a fund to be raised by the assessment and levy of a tax upon all property within the corporation subject to taxation in other cases, and at the same time; but the rate of such assessment shall not exceed one quarter of one per cent upon the valuation of such property for state and county purposes.

SEC. 3. Before making loan question to be submitted to a vote. Before any loan shall be made, or money borrowed, as implied in section second hereto, the authorities of said town shall give written notice for ten days, by having the same posted up in two of the most conspicuous public places in each ward of said town, that an election, to be conducted as other town elections under the charter, will be held by the qualified voters, at the usual places of holding elections in [167] each ward for the purpose of deciding by ballot whether such loan shall be made, and if a majority of all the votes cast are in favor of the loan, then the authorities shall proceed to issue and sell the bonds of the corporation as above stipulated; but if a majority of the votes cast at such election be against such loan, said authorities shall